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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,848	01/13/2004	Masato Kuwabara	7372/80961	8436
42798	7590	05/03/2006	EXAMINER	
FITCH, EVEN, TABIN & FLANNERY P. O. BOX 65973 WASHINGTON, DC 20035			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER

1772

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/755,848

Applicant(s)

KUWABARA ET AL.

Examiner

William P. Watkins III

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Regarding the restriction election, applicant continues to argue that there is no burden because there is only separate classification and different fields of search. Applicant states that there is always different classification with articles and method claims. This statement is not correct as some portions of the U.S. Classification System take both the article produced and the method produced, unlike the instant situation. As pointed out previously, if the method claims contain all of the limitations of any allowed article claims, they will be considered for rejoinder at the time of allowance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Maffitt et al. (U.S. 4,114,983).

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Maffitt et al. teaches a layer for covering optical devices that has reduced glare caused by a system of sub-wavelength projections. There is a less than 1% reflection at the angle of incidence and less than .001% reflection over 5 degrees from the angle of incidence (Figure 4, element 4B and figure 7, element 7A, column 9, lines 1-5). As the article of the reference meets the instant reflection limitations of claims 1 and 2 it is taken as inherently having the peak distribution of claim 3, which the instant specification discloses enables the reflection limitations of claims 1 and 2. As the PTO does not have experimental ability burden is shifted to applicant to demonstrate that the reference does not have the structure of claim 3. Regarding claim 10, no particular weight is given to the instant process limitations absent a demonstration that they produce a different structure than of the cited reference (MPEP 2112, 2113). The examiner notes however, that except for the initial photo-resist step of claim 10, the steps of forming a metal master and using it to emboss a plastic film are recited in Maffitt et al. (col. 7, lines 5-60).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maffitt et al. (U.S. 4,114,983).

Maffitt et al. discloses an antireflection film with good light transmission. The instant invention claims such a film on a display. It would have been obvious to one of ordinary skill in the art to use the film of Maffitt et al. on any type of known display to reduce glare and enhance optical performance of the display in view of the teachings of glare reduction by Maffitt et al.

5. Applicant's arguments filed 07 February 2005 have been fully considered but they are not persuasive.

Applicant argues that Maffitt et al. does not describe the specific angles of measurement in the instant claims and therefore cannot anticipate the instant claims. Applicant points to several passages in the reference that refer to the total reflection being below one percent, that do not specify a particular angle. The examiner disagrees. The reference refers to the peak reflection being at normal incidence (Figure 6) and the total reflectance as consisting of both specular and diffuse reflection (col. 7, lines 65-69). In "normal" otherwise known as specular reflection, the angle of incidence equals the angle of reflection. A light beam that comes in at an angle  $\theta$  to

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the perpendicular is reflected at angle of theta from the perpendicular as in instant Figure 1.

Diffuse reflection is light that comes in at a given angle but that is reflected at other angles. Maffitt et al. states that the total reflection of light coming in at a given angle that includes both the light reflected at the same angle as the angle of incidence as well as light reflected at other angles is less than one percent. Thus the  $R(0)$  portion of claim 1 is met, as the total reflection of the reference, that includes the reflection at the same angle, is less than 1%, which meets the requirement of instant claim 1, that reflection at the same angle  $R(0)$  as the incidence angle, is less than 1%. Figure 6 of Maffitt et al., further shows that at more than five degrees of arc away from the normal or specular angle of reflection, the diffuse reflection is less than .0001 of the peak regular reflection. This meets the instant limitation of  $R(30 \text{ or more})/R(0)$  being .001 or less in instant claim 1. Note instant Figure 2 that shows a decline from the peak or regular angle of reflection. The examiner takes the teachings of Maffitt et al. as applying to all angles of specular reflection that equal particular incident angles. Thus applicant's particular range of incident angles is disclosed with sufficient specificity to

be anticipated by the generic disclosure of the reference (MPEP 2131.03 II).

Regarding claim 3, the examiner maintains his position that the limitations of claim 1 being met, there is a presumption that the structure of claim 3 would be present in the applied reference. Regarding claim 9, Maffitt et al. teach use of the antireflective surface over a display (col. 3, lines 45-55).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM P. WATKINS III  
PRIMARY EXAMINER**

WW/ww

April 30, 2006